

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

City of Sunnyvale  
Katherine Chappellear, City Clerk  
P.O. Box 3707  
Sunnyvale, CA 94088

NO RECORDING FEE PURSUANT TO  
STREETS & HIGHWAYS CODE § 8325  
& GOVERNMENT CODE § 27383

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE VACATING A PORTION OF GARLAND  
AVENUE SUBJECT TO CONDITIONS REGARDING  
EMERGENCY VEHICLE AND PEDESTRIAN ACCESS AND  
RESERVING A PUBLIC UTILITY EASEMENT**

WHEREAS, the City of Sunnyvale, pursuant to Streets and Highways Code Section 8300, *et seq.*, is authorized to vacate street rights-of-way; and

WHEREAS, there is a dedicated street right-of-way that is not developed as a street and is not in use as a public street, which right of way is designated in official records as a portion of Garland Avenue (hereinafter "Garland right-of-way"), and more particularly described in Exhibit A attached hereto; consisting of two (2) pages; and

WHEREAS, there is an existing 10-foot public utility easement in the Garland right of way, as recorded in Book 7564, page 548, Santa Clara County Records, more particularly described in Exhibit A, which the City intends to reserve; and

WHEREAS, the City wants to assure emergency vehicle access and pedestrian access between the existing improved portions of Garland Avenue at Fair Oaks and Grand Fir; and

WHEREAS, the County of Santa Clara has offered to grant the City a 28-foot wide access easement for emergency vehicles at another location on the adjacent property that it owns and intends to develop as the "Valley Health Center"; and

WHEREAS, the County has agreed to provide pedestrian access through the adjacent property; and

WHEREAS, the proposed vacation of the Garland right-of-way has been reviewed by appropriate City departments and the Project Review Committee; and

WHEREAS, a Notice of Public Hearing to consider the vacation of the Garland right-of-way was published for at least two weeks prior to the August 9, 2005, public hearing in a newspaper that is published in the City of Sunnyvale and is designated for the publication of notices and at least three copies of the notice of hearing were posted at least two weeks before the hearing along the portion of the Garland right-of-way to be vacated, pursuant to Sections 8322 and 8323 of the Streets and Highways Code; and

WHEREAS, on August 9, 2005, the City Council held a hearing on the proposed vacation of the Garland right-of-way and heard evidence and testimony from all persons interested; and

WHEREAS, the City Council finds that the public interest will be served by extinguishing the City's interest in the Garland right-of-way, subject to provision of emergency vehicle and pedestrian access across the adjacent county property, and reserving and exempting from the vacation a public utility easement in a portion of the right-of-way being vacated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City Council finds and determines that:
  - (a) Vacation of the Garland right-of-way is in conformity with the General Plan;
  - (b) The Garland right-of-way is not useful as a bicycle path or route because the alternate access as provided will allow bicycle access across the adjacent property; and
  - (c) The Garland right-of-way is unnecessary for present or prospective public use or purpose because emergency vehicle and pedestrian access will be provided and a public utility easement will be retained.

2. The City Council hereby vacates the Garland right-of-way, as more particularly described in Exhibit A, pursuant to Streets and Highways Code §§ 8320 *et seq.*, reserving and exempting therefrom a public utility easement in a portion of the right-of-way being vacated, as described and shown in Exhibit A, and subject to the provision of emergency vehicle and pedestrian access in a form acceptable to the Director of Public Works.

3. After the Director of Public Works has approved the form of emergency vehicle and pedestrian access, the City Council authorizes and directs the City Clerk to record a certified copy of this resolution, attested by the City Clerk under seal, with the Santa Clara County recorder's office, upon the condition that the resolution be recorded concurrently with the County's Grant to the City of an easement for emergency vehicle access as described above.

4. Commencing with the date of recording of this resolution, the Garland right-of-way shall no longer be a public street easement.

Adopted by the City Council at a regular meeting held on August 9, 2005, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
David E. Kahn, City Attorney